

**BROWDY AND NEIMARK, P.L.L.C.**

ATTORNEYS AT LAW

PATENT AND TRADEMARK CAUSES

SUITE 300

624 NINTH STREET, N.W.

WASHINGTON, D.C. 20001-5303

TELEPHONE (202)-628-5197

April 12, 2004

ALVIN BROWDY (1917-1998)

PATENT AGENT

ALLEN C. YUN, PH.D.

TELECOPIER FACSIMILE

(202) 737-3528

(202) 393-1012

E-MAIL

mail@browdyneimark.com

SHERIDAN NEIMARK  
ROGER L. BROWDYANNE M. KORNBAU  
NORMAN J. LATKER  
DIANA MICHELLE SOBO  
JOI NAWASHIRO  
HEIDI M. STRUSE, PH.D.OF COUNSEL  
IVER P. COOPER  
JAY M. FINKELSTEINU.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202Re: New Divisional Patent Application in U.S. of U.S. Serial No. 10/193,247  
Applicant(s): Tsuyoshi YAMAUCHI  
Title: CRYSTALS OF A VITAMIN D DERIVATIVE AND A METHOD...  
Atty's Docket: YAMAUCHI=3B

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☒ Application Data Sheet  
☒ Specification (30 pages), claims (4 pages) and abstract (1 page)  
☒ 4 Sheets Drawings (Figures 1-4)  
☒ FORMAL ☐ Informal  
☒ Declaration and Power of Attorney (2 pages)  
☐ Newly executed ☒ Copy from prior application no. 10/193,247  
☐ Preliminary Amendment  
☐ Computer-readable Sequence Listing  
☐ Supplemental Preliminary Amendment  
☐ Information Disclosure Statement with SB/08A and \_\_\_ references  
☐ Applicant claims small entity status. See 37 C.F.R. §1.27.  
☐ A check (check no. \_\_\_\_\_) in the amount of \$\_\_\_\_\_ to cover:  
☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$942.00 to cover:  
☒ The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 770.00
TOTAL CLAIMS	<sup>13</sup> / <sub>8</sub> - 20	= 0	x 18	--
INDEPENDENT CLAIMS	5 - 3	= 2	x 86	172.00
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 290	--
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$942.00

17531 U.S. PTO  
10/821973  
041204

13281 U.S. PTO

In re of Divisional Appl. In the name of YAMAUCHI 3B

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 86	
[ ] Multiple Dependent Claim Presented				+ 290	
[ ] Reduction by 1/2 for Small Entity					
Total Additional Fee =					

- ☐ Other Fees: \_\_\_\_\_
- ☐ Other Attachments: \_\_\_\_\_
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☐ Applicant hereby requests that this application not be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- ☒ The benefit under 35 USC §119 is claimed of the filing date of:  
 Application No. 171321/1996 in Japan on July 1, 1996. A certified copy of said priority document ☒ was filed in progenitor case 09/202,144 which is the National Stage of PCT JP97/02060, filed June 16, 1997 on December 9, 1998.  
 Application No. \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The present application claims the benefit of U.S. Provisional Appln. No. 60/\_\_\_\_\_, filed \_\_\_\_\_.
- ☒ The present application is a ☐ Continuation ☒ Division ☐ Continuation-in-Part of prior Application No. 10/193,247, filed July 12, 2002, which is a division of prior Application No. 09/202,144 filed December 9, 1998.
- ☐ Amend the specification by inserting before the first line the sentence:  
☐ --This is a continuation/division/continuation-in-part of copending parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.--  
☐ --The present application claims the benefit of U.S. Provisional Appln. No. 60/\_\_\_\_\_, filed \_\_\_\_\_.--  
☐ --The present application is the national stage under 35 U.S.C. §371 of international application \_\_\_\_\_ which designated the United States[, which international application was published under PCT Article 21(2) in English].--
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

In re of Divisional Appl. In the name of YAMAUCHI 3B

- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of \_\_\_\_\_, who is/are not inventor(s) in the present divisional application.
- ☒ The application is (or will be) assigned to: CHUGAI SEIYAKU KABUSHIKI KAISHA, whose address is 5-1, Ukima 5-chome, Kita-ku, Tokyo 115-0051 JAPAN
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior applications 09/202,144 and 10/193,247, which are relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 10/193,247, please associate the present application with Customer No. 001444 and recognize only the practitioners associated therewith.
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Anne M. Kornbau

Registration No. 25,884

AMK:msp

G:\BN\YUAS\YAMAUCHI 3B\newpattr.doc